

**IN THE CLAIMS:**

A marked-up version of the amended claims, showing insertions and deletions, is attached as Appendix A.

Please amend the claims to read as follows:

1. (Previously Presented) A holster for carrying a gun on an upper back of a wearer, comprising a sheath, a retaining cavity and a harness, wherein the sheath is adapted to fit on the back of the wearer such that the sheath extends across a portion of the upper back of the wearer, and wherein the retaining cavity is configured and dimensioned to hold a handgun therein.
2. (Previously Presented) The holster of claim 1, wherein the harness is adapted to fit over the shoulders of the wearer.
3. (Previously Presented) The holster of claim 2, wherein the harness comprises a first pair of straps and a second pair of straps.
4. (Previously Presented) The holster of claim 3, wherein the first pair of straps extends over opposite shoulders of the wearer from an upper edge of the sheath and wherein the second pair of straps extends under opposite arms of the wearer from a lower edge of the sheath.
5. (Previously Presented) The holster of claim 4, wherein the first and second pairs of straps are fixedly attached at the front of the body of the wearer.
6. (Previously Presented) The holster of claim 4, wherein the second pair of straps is releasably attached to the sheath.

7. (Previously Presented) The holster of claim 6, wherein adjustment means are located on each of the second pair of straps for adjusting the lengths of each of the second pair of straps.

8. (Previously Presented) The holster of claim 7, wherein the adjustment means comprise cooperating hook and loop material.

9. (Previously Presented) The holster of claim 4, wherein the second pair of straps is fixedly attached to the sheath.

10. (canceled)

11. (Previously Presented) The holster of claim 1, wherein the sheath is substantially rectangular in shape.

12. (Previously Presented) The holster of claim 1, wherein the sheath has a width of about 4 to 5 inches to produce broad area contact with the upper back of the wearer.

13. (Previously Presented) The holster of claim 1, wherein the sheath is made of a flexible material.

14. (Previously Presented) The holster of claim 13, wherein the flexible material is elastic or an elastic-like material.

15. (Previously Presented) The holster of claim 1, further comprising a holder for an extra magazine.

16. (Previously Presented) The holster of claim 1, wherein the retaining cavity is defined between the sheath and an overlay material overlaying the sheath, the holster further

comprising an opening between the sheath and the overlay material to facilitate receipt and removal of a handgun.

17. (Previously Presented) The holster of claim 1, wherein the retaining cavity is configured and dimensioned to hold a first portion of a handgun within the cavity and a second portion of the handgun extending beyond the cavity.

18. (Previously Presented) The holster of claim 1, wherein the sheath and retaining cavity are configured and dimensioned to conceal the handgun when worn beneath clothing.

19. (Previously Presented) The holster of claim 1, wherein the retaining cavity is configured and dimensioned to hold a handgun snugly therein.

Please add the following new claims:

20. (New): The holster of claim 1, wherein the retaining cavity is configured to hold a handgun at an angle to the vertical of about 20-30 degrees.

21. (New): The holster of claim 1, further comprising a holder.

22. (New) The holster of claim 21, wherein the holder is sized and configured to hold an extra magazine.